

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



PA 11-144—sHB 6538

*Judiciary Committee*

**AN ACT CONCERNING THE COLLECTION OF BLOOD AND OTHER  
BIOLOGICAL SAMPLES FOR DNA ANALYSIS**

**SUMMARY:** By law, convicted sex offenders and felons must submit DNA samples, which the Department of Public Safety's forensic laboratory analyzes to identify characteristics specific to the donor (a DNA profile) and then includes in its DNA data bank. When the sample submitted is insufficient for analysis, this act authorizes additional samples to be taken until one of sufficient quality is obtained.

The act makes it a class D felony (see Table on Penalties) to willfully fail to appear at the time and place the Judicial Branch's Court Support Services Division (CSSD) sets up for submitting a sample. (It is already a D felony to refuse to submit a sample.) Willfully failing to appear within five business days of the date specified by CSSD subjects the offender to arrest under a bench warrant. Under prior law, he or she could be arrested whether or not the action was willful.

The act also:

1. authorizes the Department of Correction (DOC) to use reasonable force to obtain samples from felons and sex offenders in its custody;
2. requires the Department of Developmental Services (DDS) or the Department of Mental Health or Addiction Services (DMHAS) to obtain samples from defendants committed to their custody due to a mental disease or defect before the first court hearing rather than before the defendant is to be released into the community;
3. requires the first report DDS or DMHAS files with the court that addresses whether an acquittee should be discharged from custody to indicate whether the individual has submitted or refused to submit a DNA sample; and
4. increases the type of information the forensic laboratory may disclose to police officers.

EFFECTIVE DATE: October 1, 2011

**DISCLOSURE OF DATA BANK INFORMATION**

Under prior law, when a law enforcement officer submitted a DNA sample for comparison with profiles in the data bank, the laboratory could not disclose any information unless the data bank contained a profile that matched the submitted sample. The act authorizes the laboratory to disclose to law enforcement officers whether a named suspect has a profile in the data bank when the sample submitted does not have a match. The requesting officer must have a

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reasonable and articulable suspicion that the suspect committed the offense being investigated.

### BACKGROUND

#### *Entities Authorized to Take DNA Samples*

The agencies charged with taking DNA samples from offenders under their supervision are: CSSD, DOC, DDS, and DMHAS. The table below shows types of people each agency supervises.

<i>Supervising Agency</i>	<i>Covered Population</i>
CSSD	pretrial defendants, offenders conditionally released into community, and probationers
DOC	offenders serving sentences, offenders conditionally released into the community with ongoing DOC supervision, halfway house residents, and parolees
DDS	persons with developmental disabilities acquitted of crime due to mental disease or defect
DMHAS	persons acquitted of crime due to mental disease or defect

#### *Related Bill*

PA 11-207 requires, beginning October 1, 2011, people arrested for any of 39 serious felony offenses to provide a DNA sample before they are released from custody.

OLR Tracking: SP:VR:JL:ts